

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHIVA STEIN,

Plaintiff,

-against-

BIODELIVERY SCIENCES  
INTERNATIONAL, INC., PETER S.  
GREENLEAF, JEFFREY A. BAILEY, TODD  
C. DAVIS, KEVIN KOTLER, VANILLA M.  
SINGH, M.D., MAMC, MARK A. SIRGO,  
PHARM.D, and WILLIAM MARK  
WATSON,

Defendants.

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 7/20/2022

22-cv-1600 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a complaint on February 25, 2022 [ECF No. 1]. To date, however, Plaintiff has not filed proof of service of the summons and complaint. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). Accordingly, IT IS HEREBY ORDERED that, by August 3, 2022, Plaintiff shall both serve the summons and complaint on Defendants and file proof of such service on ECF. Failure to comply with this Order might result in sanctions, including dismissal of this action with prejudice, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, for failure to prosecute.

**SO ORDERED.**

Date: **July 20, 2022**  
**New York, NY**

  
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**MARY KAY VYSKOCIL**  
United States District Judge